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Attorneys for Plaintiff  
DEL MAR SEAFOODS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DEL MAR SEAFOODS, INC.

Plaintiff,

vs.

BARRY COHEN, CHRIS COHEN (aka  
CHRISTENE COHEN), *in personam* and  
F/V POINT LOMA, Official Number  
515298, a 1968 steel-hulled, 126-gross ton,  
70.8- foot long fishing vessel, her engines,  
tackle, furniture, apparel, etc., *in rem*, and  
Does 1-10,

Defendants.

Case No.: CV 07-02952 WHA

**DECLARATION OF MAX L.  
KELLEY IN SUPPORT OF  
PLAINTIFF'S OPPOSITION TO  
DEFENDANTS' MOTION FOR  
PROTECTIVE ORDER**

Date: January 3, 2008  
Time: 8:00 a.m.  
Courtroom 9, 19th Floor  
Hon. William H. Alsup

And Related Counterclaims

I, Max L. Kelley, hereby declare:

1. I am an associate in the firm of Cox, Wootton, Griffin, Hansen & Poulos, LLP, attorneys of record for Plaintiff Del Mar Seafoods, Inc. ("Del Mar"). I submit this

COX, WOOTTON,  
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& POULOS LLP

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DelMarSeafoods2504

1 declaration in support of Plaintiff Del Mar's Opposition to Defendants' Motion for a  
 2 Protective Order Limiting the Deposition of Christene Cohen. I have personal knowledge of  
 3 the facts stated below and if called to testify regarding those facts, I would and could  
 4 competently testify thereto.

5 2. Attached to this declaration as **Exhibit 1** is a true and correct copy of the  
 6 Verified Complaint filed in this matter.

7 3. Attached to this declaration as **Exhibit 2** is a true and correct copy of the  
 8 Verified Statement of Right or Interest in the Vessel filed by the Claimant F/V Point Loma  
 9 Fishing Company, Inc. in this matter.

10 4. Attached to this declaration as **Exhibit 3** is a true and correct copy of the  
 11 defendants' Answer and Counterclaim filed in this matter.

12 5. Attached to this declaration as **Exhibit 4** is a true and correct copy of the  
 13 defendants' initial disclosures served on plaintiff's on August 21, 2007.

14 6. Attached to this declaration as **Exhibit 5** is a true and correct copy of the  
 15 defendants' initial disclosures served on plaintiff on September 5, 2007.

16 7. Attached to this declaration as **Exhibit 6** is a true and correct copy of the  
 17 plaintiff's Notice of the Deposition of Chris Cohen, served on December 6, 2007.

18 8. Attached to this declaration as **Exhibit 7** is a true and correct copy of the e-  
 19 mail and attached letter plaintiff's counsel received from defense counsel on December 12,  
 20 2007 proposing Ms. Cohen's deposition be taken by way of written interrogatories.

21 9. Attached to this declaration as **Exhibit 8** is a true and correct copy of the letter  
 22 sent by plaintiff's counsel to defense counsel, dated December 14, 2007, in response to  
 23 defense counsel's letter of December 12, 2007.

24 10. Attached to this declaration as **Exhibit 9** is a true and correct copy of the letter  
 25 sent by defense counsel to plaintiff's counsel, dated December 17, 2007, in response to  
 26 plaintiff's counsel's letter of December 14, 2007.

27 11. Attached to this declaration as **Exhibit 10** is a true and correct copy of the  
 28 letter sent by plaintiff's counsel to defense counsel, dated December 18, 2007, in response to

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 & POULOS LLP

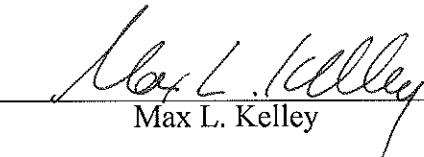
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DelMarSeafood/2504

1 defense counsel's letter of December 17, 2007.

2 12. By e-mail, I received electronic notice that defendants had filed their Motion  
3 for Protective Order on December 18, 2007 at 5:28 p.m.

4  
5 I declare under penalty of perjury under the laws of the United States of America that  
6 the forgoing is true and correct. Dated December 26, 2007 at San Francisco, California.

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9 Max L. Kelley

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